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PTO/SB/21 (08-00)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/751,736
		Filing Date	January 6, 2004
		First Named Inventor	Robert Vincent MARTINEZ
		Group Art Unit	To Be Assigned
		Examiner Name	To Be Assigned
Total Number of Pages in This Submission		Attorney Docket Number	031896-002000

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Preliminary Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input checked="" type="checkbox"/> Other <b>Form 1449 with three (3) references</b>
Remarks		<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Thomas W. Cole, Reg. No. 28,290 Nixon Peabody LLP 401 9 <sup>th</sup> Street, N.W. Suite 900 Washington, D.C. 20004-2128
Signature	
Date	November 19, 2004

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT Application of )

Robert Vincent MARTINEZ et al. ) Examiner : To Be Assigned  
Serial No. 10/751,736 ) Group Art Unit: To Be Assigned  
Filed: January 6, 2004 )  
For: COMPOSITIONS AND METHODS FOR )  
DIAGNOSING AND TREATING COLON )  
CANCERS )

**REQUEST FOR CONSIDERATION OF DOCUMENTS CITED**  
**IN INTERNATIONAL SEARCH REPORT**

U.S. Patent and Trademark Office  
220 20<sup>th</sup> Street, South  
Customer Window, Mail Stop Patent Applications  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

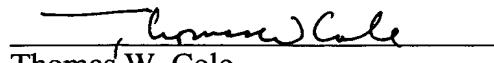
Sir:

It is requested, in accordance with the provisions of 37 CFR 1.56 and 37 CFR 1.97-1.99, that the references cited in the International Search Report dated August 19, 2004 (copy enclosed herewith) be considered and made of record in the subject application.

In accordance with the PTO notice dated July 11, 2003, waiving the requirement under 37 CFR 1.98 (a)(2)(i) for submitting copies of each cited U.S. Patent, for all U.S. national patent applications filed after June 30, 2003, no copies of U.S. Patents are enclosed. However, copies of foreign patents and non-patent literature are submitted under 37 CFR 1.98(a)(2).

These references are listed on the Form PTO-1449 submitted herewith.

Respectfully submitted,

  
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Registration No. 28,290

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400 – 9<sup>th</sup> Street, NW, Suite 900  
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NOV 19 2004



Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

				<i>Complete if Known</i>	
Sheet		of		Application Number	10/751,736
				Filing Date	January 6, 2004
				First Named Inventor	Robert Vincent MARTINEZ
				Art Unit	To Be Assigned
				Examiner Name	To Be Assigned
				Attorney Docket Number	031896-2000 (AM 100927)

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
	US-				

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> (if known)				
1	US-WO 02/059376		08/01/2002	Schlegel <i>et al.</i>		

### OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
2		<u>WWW.EBI.AC.UK</u> /Database accession no. AAG75571 Abstract, Database EMBL [Online] EBI; 3 September 2001, HUMAN GENOME SCI INC: "Nucleic acids encoding 4277 human colon cancer-associated polypeptides, useful for preventing, diagnosing and/or treating colorectal cancers."	
3		<u>WWW.EBI.AC.UK</u> /Database accession no. AAH34976 Abstract, Database EMBL [Online] EBI; 3 September 2001, HUMAN GENOME SCI INC: "Nucleic acids encoding 4277 human colon cancer-associated polypeptides, useful for preventing, diagnosing and/or treating colorectal cancers."	
4		International Search Report dated August 19, 2004 corresponding with International Application No. PCT/US2004/000035	

Examiner Signature		Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.